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09/588,276	06/06/2000	Charles Benjamin Dieterich	SAR 13423	8138

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EXAMINER

TRAN, TRANG U

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/588,276

Applicant(s)

DIETERICH, CHARLES BENJAM

Examiner

Trang U. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2003 and 11 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 is/are allowed.
- 6) ☒ Claim(s) 7-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 14.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see amendment under 37 C.F.R. 1.111, filed March 28, 2003, with respect to the rejection(s) of claim(s) 1-29 under Isnardi et al. have been fully considered and are persuasive. Therefore, the Final rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Panaro (US Patent No. 5,731,839).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 7-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Panaro (US Patent No. 5,731,839).

In considering claim 7, Panaro discloses all the claimed subject matter, note 1) the claimed producing a bitstream of at least one picture of the sequence of pictures that includes a region that includes a direct-coded representation of the reference image portion and a region that includes an indirect-coded representation of the reference image portion is met by the MPEG bitstream which is coded bi-directional predicted frame (B-frame) and two coded anchor images (predicted images or P-frame) and the B-frames which are predicted from one or more other "anchor" image frames (e.g., P-

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frames (indirect-coded) and I-frames (direct-coded)) (Figs. 1 and 2, col. 3, line 50 to col. 4, line 37).

In considering claim 8, the claimed wherein the direct-coded representation is intra-coded is met by the I-frames (Figs. 1 and 2, col. 3, line 50 to col. 4, line 37), and the claimed wherein the indirect-coded representation is one of predictively coded and bidirectionally-coded is met by the P-frames (Figs. 1 and 2, col. 3, line 50 to col. 4, line 37).

In considering claim 9, the claimed wherein producing a bitstream includes producing one of an MPEG bitstream and an MPEG-like bitstream is met by the MPEG bitstream which is coded bi-directional predicted frame (B-frame) and two coded anchor images (predicted images or P-frame) and the B-frames which are predicted from one or more other "anchor" image frames (e.g., P-frames (indirect-coded) and I-frames (direct-coded)) (Figs. 1 and 2, col. 3, line 50 to col. 4, line 37).

In considering claim 10, the claimed wherein the reference image portion has at least one indicia, at least a portion of the indicia being in the region that is a direct-coded representation of the reference image portion and at least a portion of the indicia being in the region that is an indirect-coded representation of the reference image portion is met by the MPEG bitstream which is coded bi-directional predicted frame (B-frame) and two coded anchor images (predicted images or P-frame) and the B-frames which are predicted from one or more other "anchor" image frames (e.g., P-frames (indirect-coded) and I-frames (direct-coded)) (Figs. 1 and 2, col. 3, line 50 to col. 4, line 37).

In considering claim 11, the claimed further comprising producing in the bitstream at least one additional picture of a sequence of picture that is a direct-coded representation of the reference image portion and that follows the at least one picture that includes direct coded and indirect coded representations of the reference image portion is met by the complete frame sequence, for example, starts with an I-frame (direct-coded), followed by a P-frame (indirect-coded and direct-coded), fifteen B-frames and another P-frame (col. 5, lines 33-42).

In considering claim 12, the claimed further comprising repeatedly inserting the additional picture into the sequence of pictures at one of regular and irregular intervals is met by the complete frame sequence, for example, starts with an I-frame (direct-coded), followed by a P-frame (indirect-coded and direct-coded), fifteen B-frames and another P-frame (col. 5, lines 33-42).

Claims 13-15 are rejected for the same reason as discussed in claims 7-9, respectively.

In considering claim 16, 1) the claimed means for applying the bitstream from said generator to a video decoder, wherein the video decoder decodes the bitstream is met by the decoder under test 108 (Fig. 1, col. 3, lines 33-49 and col. 4, line 45 to col. 6, line 55), and 2) the claimed means coupled to said video decoder for observing a decoded image having a first decoded region responsive to the direct-coded representation of the reference image portion and a second decoded region responsive to the indirect-coded representation of the reference image portion is met by the title and verify image 314 (Figs. 1 and 4, col. 6, lines 1-67).

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Claims 17-19 are rejected for the same reason as discussed in claims 10-12, respectively.

Claims 20-25 are rejected for the same reason as discussed in claims 7-12, respectively.

Claim 26 is rejected for the same reason as discussed in claim 7.

Claim 27 is rejected for the same reason as discussed in claim 8.

Claim 28 is rejected for the same reason as discussed in claim 8.

Claim 29 is rejected for the same reason as discussed in claim 9.

***Allowable Subject Matter***

4. Claims 1-6 are allowed.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Trang U. Tran** whose telephone number is **(703) 305-0090**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W. Miller**, can be reached at **(703) 305-4795**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**


**(703) 872-9314 (for Technology Center 2600 only)**

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

TT TT  
April 30, 2004



JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600